Exhibit D

## Case 5:18-cv-00930-LEK-ATB Document 1-4 Filed 08/07/18 Page 2 of 13



**United States** Department of **Agriculture** 

Rural Development Centralized Servicing Center P.O. Box 66827 St. Louis, MO 63166 (800) 793-8861 (Voice) (800) 438-1832 (TDD/TTY Hearing Impaired Only) or (314) 457-4450 (FAX)

## CERTIFIED MAIL RETURN RECEIPT REQUESTED

PATTI J TURK 299 GENESEE ST APT 3 CHITTENANSO NY 13037

SUBJECT: NOTICE OF ACCELERATION OF YOUR MORTGAGE LOAN(S); DEMAND FOR PAYMENT OF THAT DEBT; NOTICE OF INTENT TO FORECLOSE; AND NOTICE OF YOUR OPPORTUNITY TO HAVE A HEARING CONCERNING THIS ACTION

Dear PATTI J TURK

PLEASE TAKE NOTEthat the entire indebtedness due on the promissory note(s) and/or assumption agreement(s) which evidence the loan(s) received by you from the United States of America, acting through the United States Department of Agriculture Rural Housing Service (RHS), formerly Farmers Home Administration, is now declared immediately due and payable and demand is hereby made on you to pay this entire indebtedness. If payment in full is not made as demanded herein, the RHS intends to enforce its real estate mortgage(s) or deed(s) of trust given to secure the indebtedness by foreclosure of its lien(s) on your house.

Account Number(s)	Date of Instruments	<u>Amount</u>	
0037821963	06/15/10	114900.00	

This acceleration of your indebtedness is made in accordance with the authority granted in the above-described instrument(s). The reason(s) for the acceleration of your indebtedness is (are) as follows:

### MONETARY DEFAULT

The balance of the account is \$ 120955.57 unpaid principal and \$1996.95 unpaid interest, as of 07/15/15, plus additional interest accruing at the rate of \$16.1550 per day thereafter, plus additional advances to be made by the United States for the protection of its security, the interest accruing on any such advances, fees, or late charges, and the amount of subsidy to be recaptured in accordance with the Subsidy Repayment Agreement.

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint\_filing\_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) \*BG000001002\* L9051SSP 690-7442 or email at program.intake@usda.gov.



Unless full payment of this indebtedness is received within 30 days from the date of this letter, the United States will take action to foreclose its lien on your house and to pursue any other available remedies. Payment should be made by cashier's check, certified check, or postal money orders payable to the USDA/RD and mailed to the following address:

USDA-Rural Development P.O. Box 790170 St. Louis, MO 63179-0170

If you submit to the United States any payment insufficient to pay the account in full or insufficient to comply with any arrangements agreed to between the RHS and yourself, the payment WILL NOT CANCEL the effect of this notice. If insufficient payments are received and credited to your account, no waiver or prejudice of any rights which the United States may have will result and the RHS may proceed as though no such payments had been made.

YOUR RIGHT TO A DISCUSSION WITH RHS - You have the opportunity to discuss this decision to accelerate your loan(s) with a RHS official or have an administrative appeal hearing before the foreclosure takes place. This is an opportunity to discuss why you believe the United States is in error in accelerating your loan(s) and proceeding with foreclosure. If you desire to have an informal discussion with an RHS official or have any questions concerning this decision or the facts used in making this decision, you should contact this office in writing. The request for an informal discussion must be sent to the undersigned no later than 07/30/15. Requests which are postmarked by the U. S. Postal Service on or before that date will be considered as timely received. You also have the right to an administrative appeal hearing with a hearing officer instead of, or in addition to, an informal discussion with this office. If you request an informal discussion with an RHS official, and this does not result in a decision in which you concur, you will be given a separate time frame in which to submit your request for an administrative appeal. See the attachment for your appeal rights.)

YOUR RIGHT TO AN ADMINISTRATIVE APPEAL HEARING - If you do not wish to have an informal discussion with an RHS official as outlined above, you may request an administrative appeal with a member of the National Appeals Division Area Supervisor, no later than 30 days after the date on which you received this notice. Requests which are postmarked by the U.S. Postal Service on or before that date will be considered as timely received as requesting an administrative appeal. Please include a copy of this letter with your request.

If you fail to comply with the requirement outlined, the United States plans to proceed with foreclosure. You may avoid foreclosure by (1) refinancing your RHS loan(s) with a private or commercial lender or otherwise paying your indebtedness in full; (2) selling the property for its fair market value and applying the proceeds to your loan(s); (3) transferring the loan(s) and property to an eligible or ineligible applicant with RHS approval; or (4) conveying the property to the Government with RHS approval. Please contact our Centralized Servicing Center office at 1-800-793-8861, if you desire to satisfy your loan(s) by one of the above methods.



You cannot be discriminated against in a credit transaction because of your race, color, religion, national origin, sex, marital status, handicap, or age (if you have the legal capacity to enter into a contract). You cannot be denied a loan because all or a part of your income is from a public assistance program. If you believe you have been discriminated against for any of these reasons, you should write to the Secretary of Agriculture, Washington, D.C. 20250.

You cannot be discriminated against in a credit transaction because you in good faith exercised your rights under the Consumer Credit Protection Act. The Federal Agency responsible for seeing this law is obeyed is the Federal Trade Commission, Washington, D.C. 20580.

For questions regarding your account, please call Default Management toll free at 1-800-793-8861 or 1-800-438-1832 (TDD/TTY Hearing Impaired Only), 7:00 a.m. to 5:00 p.m., Monday through Friday, Central Time. Please refer to your Account number when you write or call us. Thank you.

UNITED STATES OF AMERICA

RV

Thomas B Herron
Director, Default Management Branch
Rural Development
United States Department of Agriculture

ham B. Henon

Date: 07/15/15

Attachment

CC: State Office

This letter was mailed certified and regular mail on 07/15/15.



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NY 13032

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UNITED STATES OF AMERICA

RV

Thomas B Herron
Director, Default Management Branch
Rural Development
United States Department of Agriculture

hans B. Herron

Date: 07/15/15

Attachment

CC: State Office

This letter was mailed certified and regular mail on 07/15/15.

USDA RURAL DEVELOPMENT - \$	CERTIFIED MAIL
COMPLETE THIS SECTION ON DELIVERY  B. Received by: (Please Prof. Clearly)	USPS CERTIFIED MAIL  9207 1969 0087 3051 1953 16
C. Date of Delivery  D. Addressee's Address (If Different From Address Used by Sender.)  Secondary Address / Suite / Apt. / Floor (Please Print Clearly)  Delivery Address	Article Addressed To:  PATTI J TURK 37601963  299 GENESEE ST APT 3  CHITTENANSO, NY 13037
City State ZIP + 4 Code	

G. Date of Delivery  D. Addresse's Address (# Different Front Address Used by Sender.)  Facondary Address / Suita / Apt. / Floor (Please Print Clearly)  Delivery Address  Delivery Address  City Sinte ZIP + 4 Code	E S	DSECSC AINT LOUIS, MO 63120	146 5E 1009 2207/25/15 RETURN TO SENDER NO SUCH STREET JNABLE TO FORWARD 170399 *0616-04134-16-46	111 111 111 111 111 111 111 111 111 11	USPOSTAGE *06.740 JUL 16 2015 21 63120 001686 21 3003301
1303731408 0002		C. Date of Delivery  D. Addresse's Address (# Different From Address Used by Sender.)  Secondary Address / Suite / Apt. / Floor (Please Print Clearly)  Delivery Address  City State 21P + 4 Code	Article Addressed To: PATTI J'TURK  107 THIRD STREET CHITTENANSO, NY 13037  37821963	ASSACE TOTAL MONTH AND	



### **United States Department of Agriculture**

## Certified Mail #70121640000042783841

June 9, 2017

Patti J. Turk 228 Madison Street Chittenango, New York, 13037

YOU MAY BE AT RISK OF FORECLOSURE. PLEASE READ THE FOLLOWING NOTICE CAREFULLY.

As of 06/09/2017, your home loan is 786 days and \$34762.29 dollars in default. Under New York State Law, we are required to send you this notice to inform you that you are at risk of losing your home. Attached to this notice is a list of government approved housing counseling agencies in your area which provide free counseling. You can also call the NYS Office of the Attorney General's Homeowner Protection Program (HOPP) toll-free consumer hotline to be connected to free housing counseling services in your area at 1-855-HOME-456 (1-855-466-3456), or visit their website at http://www.aghomehelp.com/. A statewide listing by county is also available at http://www.dfs.ny.gov/consumer/mortg\_nys\_np\_counseling\_agencies.htm. Qualified free help is available; watch out for companies or people who charge a fee for these services.

Housing counselors from New York-based agencies listed on the website above are trained to help homeowners who are having problems making their mortgage payments and can help you find the best option for your situation. If you wish, you may also contact us directly at 315-477-6423 and ask to discuss possible options.

Rural Development • New York State Office Single Family Housing Division 441 South Salina Street, Suite 357 • Syracuse, NY 13202 Voice (315) 477-6423 • Fax (855) 477-8531 • TDD 800-421-1220 (711)

USDA is an equal opportunity provider, employer, and lender.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027), found online at http://www.ascr.usda.gov/complaint\_filing\_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait, the fewer options you may have.

If you have not taken any actions to resolve this matter within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence.)

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at 888-995-4673 or visit the Department's website at www.dfs.ny.gov.

IMPORTANT: You have the right to remain in your home until you receive a court order telling you to leave the property. If a foreclosure action is filed against you in court, you still have the right to remain in the home until a court orders you to leave. You legally remain the owner of and are responsible for the property until the property is sold by you or by order of the court at the conclusion of any foreclosure proceedings. This notice is not an eviction notice, and a foreclosure action has not yet been commenced against you.

Sincerely,

CARLA REESE SFH Program Specialist



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